

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**August 18, 2004**

The Board of Directors of the Flood Control District of Maricopa County, Arizona, convened at 9:00 a.m., August 18, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andy Kunasek, Chairman, District 3; Fulton Brock, District 1; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present, Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain)

**MINUTES**

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (5-0) to approve minutes of meetings held June 16, July 7, 12, and 20, 2004.

**PERSONNEL AGENDA**

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (5-0) to approve Flood Control District Personnel Agenda (Exhibit C). Exhibit C will be found at the end of this set of minutes.

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (5-0) to approve easements, right-of-way documents, relocation assistance, and appraisal services contracts under \$5,000 per resolution FCD 87-12; escrow instructions per resolution FCD 87-13; license procedures and fee schedules per resolution FCD 97-02; and payment of tax notices per resolution FCD 97-07 for Flood Control purposes. (ADM1910)

**Doubletree Ranch Road Drainage Project (Per Resolution FCD 95-03A)**

Item 9903.007, 9903.009, 9903.034; Assignment of Easements from the Flood Control District of Maricopa County to the Town of Paradise Valley, a municipal corporation of the State of Arizona for the sum of \$1.00 (per IGA FCD 1999A026).

**Property Management – ACDC (Per Resolution FCD 1999R016)**

Item T-387, Drainage Easement from the Flood Control District of Maricopa County to the Glendale Union High School District for the sum of \$600.00.

Item T-525, Easement from the Flood Control District of Maricopa County to KSL Biltmore Resort, Inc. for the sum of \$32,340.00.

**Property Management – Aqua Fria River (Per Resolution FCD 1999R016)**

Item A-12034, 12050, 12051; Permanent Roadway Easement from the Flood Control District of Maricopa County to the City of Avondale for the sum of \$1000.00.

**Property Management – Buckeye FRS 1, 2, 3 (Per Resolution FCD 1999R016)**

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Item n/a, Easement from the Flood Control District of Maricopa County to Salt River Project Agricultural Improvement and Power District for the sum of \$10.00.

**Property Management – East Maricopa Floodway (Per Resolution FCD 1999R016)**

Item M-2165 & M-2157, Sewerline Easement from the Flood Control District of Maricopa County to the Town of Gilbert for the sum of \$5,019.00.

**Oak Street Storm Drain Outfall Project (Per Resolution FCD 97-14)**

Item OSD-2-DE, OSD-5-DE; Permanent Drain Easement and Agreement for Flood Control Purposes from the Flood Control District of Maricopa County to the City of Scottsdale for the sum of \$1.00 (per IGA FCD 98043).

**Osborn Road Storm Drain Outfall Project (Per Resolution FCD 97-14)**

Item 9901.002, 004, 006, 008; Permanent Drain Easement and Agreement for Flood Control Purposes from the Flood Control District of Maricopa County to the City of Scottsdale for the sum of \$1.00 (per IGA FCD 1999A025)

**FY 2004-2005 PERFORMANCE-BASED SALARY ADVANCEMENT PLAN AND INCREASE THE FY 2004-2005 BUDGET**

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (5-0) to approve the document, "FY 2004-2005 Performance-Based Salary Advancement Plan". The provisions of this document supersede Section VI, Paragraph A of the Maricopa County Compensation Plan, entitled "Salary Advancements". Also, direct the Office of Management and Budget to reduce the FY 2004-2005 budgeted transfer from the Flood Control District Operations Fund (991) to the Flood Control District Capital Projects Fund (990) by an amount not-to-exceed 4% of budgeted salaries and variable benefits (excluding amount budgeted for positions with salaries defined by statute). Also, approve an appropriation adjustment reducing the revenue and expenditure appropriations for the Flood Control District Capital Projects Fund (990) by this same amount, along with corresponding adjustments to the Eliminations Fund (Department 690, Fund 900). (C49050096) (ADM1900-001)

**FY 2004-05 Performance-Based Salary Advancement Plan**

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**Purpose:**

The purpose of this plan is to recognize employees' performance in an equitable manner so that they will be motivated to continue to perform.

**Background:**

The compensation strategy described in this document is intended as an *interim measure* to facilitate moving to a more regular compensation funding and distribution system. While facing fiscal challenges during the last two fiscal years, Maricopa County nonetheless invested significant amounts in specific areas of compensation:

- Increased Employee health and dental premiums, including coverage of the employees' share of increase.

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- Increased retirement contributions, along with a 3.9% general salary increase to allow employees to cover their share of increased contributions to the Arizona State Retirement System, resulting in no additional out-of-pocket costs for employees.
- Critical market salary adjustments for specific positions, including Detention Officers, Deputies and Probation Officers.

However, during this period the County was not able to fund performance-based salary advancements on a general basis. In FY 2002-03, salary advancements were subject to a freeze, which was lifted in FY 2003-04 without provision of additional funding. As a result, inequities developed because employees received performance-based salary increases only if their department was able to fund the increase within its budget.

This plan will provide for performance-based salary adjustments this year in a manner that will reduce such salary inequities. All employees who received a performance-based salary increase during FY 2003-04 will be eligible for salary advancements in FY 2004-05, but on a lower tier from employees who did not receive such increases.

**Applicability:**

The guidelines and process outlined in this plan will apply to all performance-based salary advancements awarded in FY 2004-05. No performance-based salary advancements will be awarded outside of this process. Participation in this process is a condition for Board appropriation of funds. For elected and judicial branch agencies, the Office of Management and Budget may approve minor variances from specific guidelines in this plan if they are consistent with the overall direction, and there is no increased annualized budgetary impact.

**Employee Eligibility:**

Employees will be eligible for performance-based salary advancements if they meet the following criteria:

- a) Employed on a full or part-time basis in classified, unclassified or contract status; temporary employees are not eligible.
- b) Employed continuously in their current position/job title for at least one year as of the effective date of their salary advancement.
- c) Have a current performance appraisal (completed within the last 12 months) on file in Human Resources as of the effective date of the salary advancement, with a performance rating of 3 (Meets or Base Performance) or higher.
- d) May not be on initial or performance probation as of the effective date of their salary advancement.

**Employee Award Guidelines:**

Eligible employees will receive performance-based salary adjustments based on their current performance evaluation and the amount of any performance increases they received in FY 2003-04. All eligible employees will be assigned to the Higher Tier if they received no increase or increases of 3% or less in FY 2003-04; employees will be assigned to the Lower Tier if they received salary increases greater than 3%. The percentage increases outlined below will be applied to the employee's current base salary (unless the employee is over the maximum pay rate for their position):

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	Upper Tier	Lower Tier
FY 2003-04 Increase:	3% or Less	More Than 3%
FY 2004-05 Increase Up To:	6%	3%
Average Increase Not to Exceed:	4%	2%

Within a department and Tier, the highest percentage increase awarded to any employee with a specific performance rating must be less than the lowest percentage increase awarded to any employee with the next highest performance rating. For example, an employee in the Upper Tier with a rating of "3" may not receive a 5% increase if any other employee in the same department in the Upper Tier with a rating of "4" is to receive an increase of less than 5%.

**Department Expenditure Caps:**

The annualized cost of each department's implementation plan for performance-based salary advancements may not exceed 4% of its budgeted regular salaries and associated variable benefits by fund (excluding amounts budgeted for positions with salaries defined by statute, such as elected officials).

**Funding Allocation:**

Departments' appropriated budgets will be adjusted as necessary to fund implementation of approved performance-based salary adjustment plans, not to exceed 4% of budgeted regular salaries and associated variable benefits by fund (excluding amounts budgeted for positions with salaries defined by statute). The Office of Management and Budget will analyze the availability of funding within each department's current budget in order to determine the appropriation adjustment amounts.

**Effective Dates:**

For initially eligible employees, salary advancements will be effective August 30, 2004. For employees who become eligible later in the fiscal year, effective dates may be at the beginning of the next pay period after their eligibility date up to June 30, 2005.

**Approval and Implementation:**

1. Departments will submit an implementation plan for all employees who are currently eligible or will become eligible during the course of the fiscal year.
2. Department implementation plans will list the amounts to be awarded to each initially eligible employee. Plans will also include a reserve to fund salary advancements for employees who will become eligible during the course of the fiscal year, based on an average projected increase of 4% of salaries and variable benefits for those employees. Department implementation plans will provide for all employees to receive their proposed adjustments as of their eligibility date (see above).
3. All department implementation plans will be submitted to Employee Compensation in a standardized spreadsheet file, for which a template will be provided. Copies of employee evaluations may accompany the spreadsheet file in order to document the ratings listed in the spreadsheet if required to update records in the Human Resources Department.

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4. Implementation plans will include information on percentage increases received by each employee in their current position/job title during Fiscal Year 2003-04 that were not related to a market adjustment validated by Total Compensation.
5. Total Compensation and OMB will review each department's implementation plan for completeness and adherence to the approved guidelines.
6. Once a department plan is approved, Total Compensation and Human Resources will work with departments to implement the salary advancements as soon as possible, with Board approval on the September 8 Personnel Agenda. Retroactive pay will be provided if adjustments cannot be implemented by the targeted effective dates.
7. OMB will determine and implement the appropriate budget adjustments necessary to fund approved plans.

**CHANGE ORDER TO CONTRACT WITH ENTELLUS, INC.**

Motion was made by Director Stapley, seconded by Director Brock, and unanimously carried (5-0) to approve Change Order No. 2 in the amount of \$43,202.56 for Contract FCD 2002C029, Wittmann Area Drainage Master Study Update (ADMSU) (Project No. 344 - Wittmann ADMP [WWMP]) with Entellus, Inc. This change order establishes a new contract amount of \$2,020,058.56. The original contract completion date of April 10, 2005, remains unchanged. The need for this change order is a result of meetings, hazard identification, and progress on the ADMSU where several items were raised that need to be added to the Scope of Work (SOW) as documented in Exhibits A-1, A-2, and A-3. Expenditures from this change order will be charged to the Operating Budget. (C6903066501)

**RESOLUTION – CAVE CREEK DRAINAGE MASTER PLAN**

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to adopt Resolution FCD 2004R006, Cave Creek Drainage Master Plan (DMP). This resolution authorizes the Chief Engineer and General Manager of the Flood Control District of Maricopa County to initiate the DMP and associated topographic mapping; negotiate rights-of-entry, Intergovernmental Agreements (IGA), as appropriate, for cost-sharing of the project, and technical service contracts, subject to the ratification and approval of the Board of Directors of the District (Board). (C69041046) (ADM1915-015)

**RESOLUTION**  
**FCD 2004R006**

**CAVE CREEK DRAINAGE MASTER PLAN STUDY**

**WHEREAS**, Arizona Revised Statutes Title 48, Chapter 21 requires the Board of Directors of the Flood Control District of Maricopa County (Board) to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems in Maricopa County; and,

**WHEREAS**, the Town of Cave Creek (Town) requested the Cave Creek Drainage Master Plan Study (DMP) in FY 2004/2005 be under the District's Capital Improvement Program Prioritization Procedure; and,

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**WHEREAS**, the Flood Control District of Maricopa County (District) recommended that the DMP be included in the District's Planning Program; and,

**WHEREAS**, the Flood Control Advisory Board of the District endorsed the staff's recommendation; and,

**WHEREAS**, the Town has requested the study be accelerated and the Town is willing to cost-share in the DMP; and,

**WHEREAS**, the District and the Town have agreed to proceed with the DMP and associated mapping, as shown on Exhibit A, to identify flooding hazards and develop a regional flood control plan to mitigate flooding hazards; and,

**WHEREAS**, the Town has agreed to be the lead on public involvement including, conducting any required public meetings for the DMP; and,

**WHEREAS**, the Town passed Resolution R2004-03 authorizing the Town to prepare an Intergovernmental Agreement (IGA) with the District for the DMP; and,

**WHEREAS**, the District has identified this region of Maricopa County as a high growth area and recommends that the DMP be performed.

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to negotiate IGAs with the Town and others, as necessary, for the coordination and cost-sharing of the DMP and the associated topographic mapping, subject to the ratification and approval of the Board; and,

**BE IT FURTHER RESOLVED**, that the Chief Engineer and General Manager of the District is authorized and directed to negotiate with landowners and/or appropriate agencies to obtain the necessary rights-of-entry for the DMP and associated topographic mapping located as follows:

Township 6 North, Range 4 East, Sections 1 through 36;

Township 6 North, Range 3 East, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25,  
26, 27, 34, 35, and 36;

Township 5 North, Range 3 East, Sections 1, 2, 3, 10, 11, and 12;

Township 5 North, Range 4 East, Sections 2, 3, 4, 5, 6, 7, 8, 9, and 10; and,

**BE IT FURTHER RESOLVED**, that the Chief Engineer and General Manager of the District is authorized and directed to hire, retain, or otherwise utilize the services of the County Attorney's office or private counsel to obtain rights of entry and to initiate and prosecute actions and proceedings in the manner required by law to obtain all necessary rights-of-entry required for the DMP and associated topographic mapping which cannot be obtained by donation or purchase; and,

**BE IT FURTHER RESOLVED**, that the Chief Engineer and General Manager of the District is authorized and directed to advertise, select, and negotiate technical service contracts for topographic mapping and planning studies for the DMP as necessary, subject to the ratification and approval of the Board; and,

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**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the District is authorized and directed to include funding in the District's current and future Operating Budget to pay for the District's portion of the DMP and associated topographic mapping, subject to the ratification and approval of the Board.

**DATED** this 18th day of August 2004.

/s/ Andy Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF CAVE CREEK**

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to Approve the Intergovernmental Agreement (IGA) FCD 2004A011 for the Cave Creek Drainage Master Plan (DMP) between the Flood Control District of Maricopa County (District) and the Town of Cave Creek (Town). The IGA authorizes the district to take the lead in funding, contracting for consultant services for mapping and the Drainage Master Plan, and all project management tasks. The town will be the lead agency for public involvement and the district will provide technical support for public involvement and required public meetings. The DMP, with the associated mapping, is estimated to cost approximately \$1,000,000. The town has offered to contribute \$200,000. (C69050132)

**CONTRACTS FOR ON-CALL ENGINEERING, PLANNING, AND SURVEYING SERVICES**

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to award the following two contracts for On-Call Engineering, Planning, and Surveying Services as follows:

- Contract FCD 2004C025 to JE Fuller/Hydrology & Geomorphology, Inc. (Consultant) in the amount of \$250,000 (C69041065)
- Contract FCD 2004C026 to David Evans and Associates, Inc. (Consultant) in the amount of \$250,000 (C69041075)

Each contract is for a not-to-exceed amount and is effective for 730 calendar days from the date of its execution, or until the expenditure of \$250,000 for each respective contract, whichever occurs first. The Flood Control District of Maricopa County (District) and each respective consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each Work Assignment prior to notice to proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to each contract. Expenditures will not be made until the Board of Directors of the Flood Control District of Maricopa County (Board) approves the Fiscal Year final budget which includes an appropriation for this purpose. (C69041055ZZ)

**INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX**

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD 2004A003 between the Flood Control District of Maricopa County (District) and the City of Phoenix (City), for cost-sharing, design, rights-of-way acquisition, utility relocation, construction, construction management, and operation and maintenance for the 26th Avenue & Verde Lane Detention Basin and Storm Drain Project (No. 620); to include funding in

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the current and future 5-year Capital Improvement Programs, subject to approval of the Board of Directors of the Flood Control District of Maricopa County (Board). (C69050012)

**CONTRACTS FOR ON-CALL SURVEY AND RIGHT-OF-WAY DELINEATION SERVICES**

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to award the following two contracts for On-Call Survey and Right-of-Way Delineation Services as follows:

Contract FCD 2004C015 to Project Design Consultants, Inc. (Consultant), in the amount of \$100,000 (C69050105)

Contract FCD 2004C016 to CMX, L.L.C. (Consultant), in the amount of \$100,000 (C69050115)

Each contract is for a not-to-exceed amount stated above, or for 730 calendar days from the date of award, whichever occurs first. The Flood Control District of Maricopa County (District) and each respective consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each Work Assignment prior to notice to proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to each respective contract. All work assignments authorized under each respective contract will be for district engineering, planning and surveying services. (C69050095ZZ)

**CONTRACT WITH GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS, INC.**

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve Contract FCD 2004C020, On-Call Geotechnical and Materials Testing Services, to Geotechnical and Environmental Consultants, Inc., (Consultant). The contract will be effective for 730 calendar days from the date of its execution, or until the expenditure of \$250,000, whichever occurs first. The Flood Control District of Maricopa County (District) and the consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each Work Assignment prior to notice to proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to the contract. (C69050125)

**CONTRACT WITH AMEC EARTH & ENVIRONMENTAL, INC.**

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to award Contract FCD 2004C009, On-Call Post Design Services, to AMEC Earth & Environmental, Inc. (Consultant). The contract will be effective for 730 calendar days from the date of execution or until the contract expenditure of \$250,000, whichever occurs first. The Flood Control District of Maricopa County (District) and the consultant will mutually agree to a detailed scope of work for each work assignment prior to the commencement of any work. A not-to-exceed fee will be negotiated for each Work Assignment prior to the notice to proceed with each assignment. This negotiated fee will be in accordance with the rates included as Exhibit B to the contract. (C69050155)

**CONTRACT WITH KIRKHAM MICHAEL CONSULTING ENGINEERS**

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to award Contract FCD 2003C059, White Tanks Flood Retarding Structure No. 3 North Inlet Channel (Project) (No. 470) to Kirkham Michael Consulting Engineers. The basic contract is for a lump sum of



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\$538,111.71, plus a not-to-exceed fee of \$107,807.22 for optional items. The optional items, which include an additional public meeting, additional features identified in predesign, hydrology, and additional culverts in Olive Avenue, will only be implemented if needed. The total contract amount, including the optional items, will not exceed \$645,918.93. The contract performance is 379 calendar days effective the date of the notice-to-proceed. (C69050165)

**INTERGOVERNMENTAL AGREEMENT WITH U.S. GEOLOGICAL SURVEY**

Motion was made by Director Stapley, seconded by Director Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) FCD 2004A012, between the Flood Control District of Maricopa County (District) and the U.S. Geological Survey (USGS), covering the period October 1, 2004, to September 30, 2005, to continue collecting data on local watersheds. This has been an ongoing joint agreement for more than 20-years. The total cost of the IGA is \$244,540. The district costs under this agreement will be \$122,270, with the USGS contributing the remaining \$122,270. Payments are to be made quarterly. (C69050182)

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Andrew Kunasek, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board